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File No 104-28

Previous References
Mc 165-26 81-2

Serial Nos 124

Later References

General and Revenue Secretariat.

Serial Nos

Part B for Aug 28

SUBJECT

Inclusion in the Voters list of the names of persons paying professional tax Vehicle tax etc in Kolar municipality

4 To, The Deputy Commissioner, Kolar
No L 14 24 d 14 8 28

Issues instructions in the matter of inviting refer to Kolar No 64 Mc 165 26 1 d 15 3 27 and states that no Rule is necessary in respect of a matter which has been specifically provided for in the Regulation itself

HS 24 8/28

General and Revenue Secretariat

M' File No 104 of 1928.

Serial No

From the Deputy Commissioner Kolar District. No 59 dated 15th July 1928, enquires whether persons assessed to taxes such as profession tax, vehicle tax etc other than those specified in Notification No 6435/Ml 165-26-2 dated 15th March 1927, are deliberately intended to the included ~~to be excluded~~ from the voters list irrespective of the amount they stand assessed to

R

1 The Deputy Commissioner states that in the revised election rules issued on 15th March 1927 no provision exists for qualifying persons paying taxes other than house tax and income-tax etc to be ---- voters and enquires whether persons paying these taxes subject to the minimum prescribed under Section 12 (c) of the Municipal Regulation should be included in the voters' list

2 Section 12 (c) of the Regulation authorises persons assessed to taxes of an amount not less than a minimum fixed by the Government to be qualified to be candidates and to be entered in the list voters Under this Section a Notification No L 0434/Ml 165-26-1 dated 15th March 1927 prescribing the minimum for the City Municipalities at Rs 5/- a year and for Town Municipalities at Rs 2/- a year has already been issued

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3 Section 11 (c) (ii) of the Regulation authorises Government to frame rules for the qualifications of candidates and of voters other than as provided therein elsewhere As the qualificatio

NOTE—Contn. Sheet

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of certain candidates and voters is prescribed in Section 12 no rule could be framed providing for the matters provided for by Section 12 (c) of the Regulation Obviously no rule is necessary for a matter -- provided for in the Regulation itself

4 A draft reply to the Deputy Commissioner xx is submitted, for approval

DS 23/7/28

The Deputy-Commissioner has overlooked the Notification of the same date as that he refers to, namely, No 4643 published under Rule 165-26-1 & 15/3/27, which prescribes the minimum amount of taxes which shall confer or the assessment to which would qualify a person to be a voter in either a City or a Town Municipality. This may be pointed out to him with reference to para 4 of his letter and he may be informed with reference to para 3 of his letter that persons other than those specified in Notn No 6435 under clause VII(a) 165-26-28 15/3/27 are not thus excluded from the voters' list unless they pay taxes of the minimum amount prescribed therein

NOTE—Contn Sheet

WD 01714—GPE—30,000—18-4-28

General and Revenue Secretariat

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Serial No

OFFICE OF T E C
25 JULY 1928

Rule made under Rule 11(c) relating to property transactions were made so as to provide for those not coming under Rule 12(c).

2nd Member 28/7/28

C.B.Y. 11/8

11/8

1. To the Dy. Comm. Kolar No 1612 of 14-8-28

Invites ref to notification no 6434 M&L 65 26 of 15-3-27 and states that no rule as necessary in respect of a matter which has been specifically provided in the Regulations itself

B
D.S. 24/8/28

NOTE—Contn Sheet

WD 01714—GPB—30,000—28-4-28

429 4

No 59

Office of the Deputy Commissioner and President, Town Municipal Council,
Dated, Kolar, the 15th July 1928

From

A K Syed Taj Peeran Esquire, B A,
Deputy Commissioner and President,
Town Municipal Council, Kolar

Ml C04-28—1

To

R Ranga Rao Esquire B A, B I
Secretary to the Government of Mysore,
General Department Bangalore

Sir

I have the honour to invite a kind reference to Rule 5 (h) of the rules published with Notification No L 6435/ Ml 165-26-2 dated 15th March 1927 prescribing in supersession of the pre-existing rules the qualifications of Voters and candidates at Municipal elections and also to Cl (vii) (a) under Rule 5 of the rules published with Notification No 8298/Ml 130-18-1 dated 7th January 1919 and to state as follows -

2 The Rules published with notification of 15th March 1927 are in supersession of the pre-existing ones and the former are silent as to the minimum qualification to be prescribed for persons that pay taxes other than house-tax income-tax, octroi or toll In these circumstances a perso r occupying a portion of a house assessed to Rs 2/- is entitled to vote in a Town Municipality even though the proportionate tax leviable on the portion actually occupied by him is far less than Rs 2/-1 whereas a person assessed by way of profession vehicle or other taxes to R 2/- and even more but not occupying a house assessed to a minimum tax of Rs 2/- is not entitled to vote Further, the rules published with notification dated 7th January 1919 (Rule 5 (vii) (a) included cases even of the latter kind as the general

general term " Municipal Taxes " was used therein whereas the corresponding rule of March 1927 specifies "house-tax" only

3 In these circumstances I request the favour of specific instructions as to whether persons assessed only to taxes such as Profession tax Vehicle tax etc other than those already specified in the Notification of 15th March 1927, are deliberately intended to be excluded from the Voters' list irrespective of the amount they stand assessed to

4 I may be permitted to add that Sec 12 (c) of the Municipal Regulation contemplates that persons assessed to " Taxes other than Octroi and Toll" of a minimum amount to be prescribed by Government shall be qualified to vote and therefore appears to contemplate the inclusion of all those paying any Municipal tax other than octroi or toll I am therefore of opinion that it is very necessary that a minimum amount should be prescribed for each of the " Municipal Taxes " other than octroi or toll, being assessed to which, should qualify one to become a voter Early instructions are solicited as the Voters' lists of the Municipality are under preparation for the ensuing elections

I have the honour to be
Sir
Your most obedient servant

Deputy Commissioner
and President

19 7 26

L 1424 Secret
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To

The Deputy Commissioner,
Kolar District

Rd 104-28-4

S i r

With reference to your letter No 59 dated 15th July 1928 in regard to inclusion in the voters' list of the names of persons paying profession tax vehicle tax etc , in the Kolar Town Municipality I am directed to invite reference to Government Notification No 6434/ Ml 165-26-1 dated 15th March 1927, fixing the minimum amount of tax the assessment to which will entitle persons to be qualified to be candidates and to be entered in the list of voters as prescribed in Section 12 (c) of the Municipal Regulation

2 The rules issued under Notification No 6435/Ml 165-26-2 dated 15th March 1927 did not provide for this qualification as Section 11 (c) (ii) of the Regulation authorised Govt to frame rules in respect of matters not provided for elsewhere that is in section 12 an obviously no rule is necessary in respect of a matter -- which has been specifically provided for in th Regulation itself

I have etc ,

Gl Secry to Govt

23/7/28

* Copy enclosed for ready reference

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CDS 11/8

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